

In the Matter of)
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Broadcast Localism) MB Docket No. 04-233
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To: The Commission

Four Seasons Media, Inc. (“Four Seasons Media”),¹ by counsel, responds to the Notice of Proposed Rule Making (“NPRM”) issued in connection with the Federal Communications Commission (“FCC” or “Commission”) January 24, 2008 Report on Localism.² Four Seasons Media is concerned that certain proposals in the NPRM will, in fact, undermine the Commission’s broadcast localism goals by forcing broadcasters – particularly in smaller markets – to divert limited station resources to absorb undue regulatory costs and burdens rather than focus on providing community-responsive public affairs, news and other local programming. The Commission should not resuscitate – directly or indirectly – its failed “localism” policies of the past, which the agency rightly eliminated long ago. In fact, widespread marketplace incentives exist for broadcasters to maximize local service as a means for competitive viability amid dramatic changes in our media landscape. For these reasons, Four Seasons Media urges the Commission not to adopt certain rule proposals, as described below.

² *Broadcast Localism, Report on Broadcast Localism and Notice of Proposed Rule Making*, MB Docket No. 07-218 (rel. Jan. 24, 2008). The Commission extended the deadline for filing comments in this proceeding until April 28, 2008. *See* Public Notice, DA 08-515 (rel. March 6, 2006). Thus, these comments are timely filed.

Background

Four Seasons Media is a new entrant to the radio broadcast industry, having acquired their two radio stations licensed to Brattleboro, Vermont on December 1, 2007. Brattleboro is situated along the Connecticut River with a population of 12,005 people. Chartered in 1753, Brattleboro has a thriving arts community, bustling downtown, commercial industry and growing residential areas. William and Kelli Corbeil, the principals of Four Seasons Media, are life long residents of Brattleboro and live in the community with their two children.

WTSA (AM) and WTSA-FM has a commitment of public service to the community of Brattleboro dating back more than half a century when WTSA (AM) first signed on in 1950, then later WTSA-FM in the mid-1970's.

WTSA (AM) and WTSA-FM are one of the few radio stations in Vermont and New Hampshire that have a full time "local news department". With no television stations in or around Brattleboro, Vermont, it's imperative to have this local service. The closest television news station is several hours away in Boston, Massachusetts. Four Seasons Media employs two full time staff members with news vehicles and remote broadcast equipment to cover local events and stories. The station's news staff is not a 'rip and read' news department. Instead, the news staff attends all local town select board, school board, emergency management and town meetings. They report with a combination of interviews with community leaders to up to the minute action reporting.

The news department is on call 24 hours a day 7 days a week and can interrupt regular programming with news, as often occurs, with the assistance of the modern technology in place at the new facilities. While technology allows the news department to have remote access to the radio stations, Four Seasons Media goes even further to ensure that in emergencies they are just

as responsive. In their community in Southern Vermont the citizens of Brattleboro are susceptible to weather related situations. While it's not a requirement, Four Seasons Media has microwave technology in place to serve as back ups to other back ups. Emergency power is in place at the studios for both the broadcast studios and transmitter facility. With back up power, Four Seasons Media can respond to any community emergency in a timely manner for the duration of the emergency, thereby serving Brattleboro and surrounding environs. WTSA (AM) and WTSA-FM are the emergency broadcast stations for Windham County in Vermont and serve as back up stations for Cheshire County, New Hampshire and Franklin County, Massachusetts. WTSA is contracted by the state of Vermont and Entergy Vermont Yankee Power Plant as the exclusive radio Emergency Alert station. Four Seasons Media take their responsibilities very seriously on behalf of their listeners and their communities.

Four Seasons Media serves as community leaders in civic and social events. The licensee sponsors programs that recognize community citizens monthly that donate their time and resources to better the community of Brattleboro. This program is called the WTSA Community person of the month. A similar program focuses on the youth of the area with the WTSA Student of the month. E-mailed nominations recognize the youth for a wide range of accomplishments. These could include academic, sports, acts of kindness or community service. Four Seasons Media receives thousands of nominations every month for these two programs which proves their value to the community and to the promotion of good human spirit.

Four Seasons Media also sponsors and airs monthly a local music program called "Microphone On" which shines the WTSA spotlight on local musicians giving them radio exposure they may never get. This gives Four Seasons Media yet another direct tie to the community and its arts and culture. WTSA (AM) is the only station in Brattleboro to broadcast

high school sports programs. This programming represents an investment on the part of the stations in the community's youth while serving as an alternative for working parents, relatives and alumni to follow local sports who may be unable to attend the games and show their support.

Providing these services does not come without great expense. Not only in technology, maintenance, training, and staffing, but also challenge in time management from other more revenue generating programs. Four Seasons Media feels the balance as it exists today is well worth it, however if the FCC requires 24 hour staffing at the main studio, the structure described above would be compromised and thus community service and alert programs would operate at a reduced level. Maintenance would be compromised as would staff, training, engineering support and technology overall. This is because resources presently spent on local news gathering and other public affairs programming would have to be diverted to paying for staffing the main studio from 7 p.m. until 6:00 a.m. each day.

The competitive media landscape encourages localism

Our industry faces well-publicized financial, technological and competitive challenges. Four Seasons Media, like other broadcasters in small markets, provides significant local broadcast service without the benefit of the advertising revenues available to larger-market broadcasters with larger numbers of viewers. Competition from I-pods, satellite radio and new media represents growing pressure on stations' scarce resources, and Four Seasons Media is no exception.

The level of competition in the broadcast industry, coupled with the broader and all-too-palpable economic downturn, impose significant competitive and economic pressure on

broadcasters. Four Seasons Media embraces local service as more than a licensee responsibility, but also as a unique competitive service that distinguishes WTSA (AM) and WTSA-FM which other providers of audio service cannot match. Yet, as the Commission has heard but failed to adequately acknowledge in the NPRM, broadcasters in smaller markets have often, as a result of financial hardship, been forced to curtail public-interest responsive programming such as news and public affairs. The imposition of new regulatory burdens and the financial costs associated therewith will have the contrarian result of reducing and not increasing public interest programming.

Despite these challenges, the Commission apparently intends to further constrain these resources by adopting rules with dubious benefits and unintended consequences. No matter how well-intentioned the Commission's efforts in this proceeding, certain of the proposals impose disproportionate burdens on broadcasters in small markets, with little record evidence of sufficient corresponding benefits. The Commission must give due consideration to the pre-existing marketplace and competitive incentives that broadcasters already have to maximize public service. The NPRM does not reflect such consideration. Moreover, the Commission has not found the requisite nexus between the purported harms it identifies and the rules it plans to adopt to address those harms. For these reasons, Four Seasons Media respectfully requests that the Commission refrain from adopting the proposals addressed below.

Reinstituting the “physical presence” rules would entail significant cost with little corresponding benefit.

The NPRM states that the Commission is considering “requiring that licensees maintain a physical presence at each radio broadcasting facility during all hours of operation.”³ This proposal is unnecessary. The proposal brings significant staffing costs for routine operations that

³ NPRM at 16.

could be consolidated and handled remotely. While the Commission apparently believes that “a requirement that all operations be attended may increase the likelihood that each broadcaster will be capable of relaying critical life-saving information to the public,”⁴ this assertion is speculative and not reflective of operational realities. Any broadcaster with a proper remote operation system in place can inform the public in the same manner as a staffed station, and the incremental benefit is minimal. By contrast, the staffing, electrical and other costs simply do not justify the expense in all but the most extreme circumstances. These additional costs mean that broadcasters will have to divert limited resources away from local service and local programming to maintain a base level of technical staff. The record does not support such a policy, and Four Seasons Media urges the Commission to retain the existing rule.

The Commission should not adopt new rules mandating permanent community advisory boards.

The *NPRM* proposes to have licensees “convene a permanent advisory board made up of officials and other leaders from the service area of its broadcast station.”⁵ The Commission’s stated goal is to help “ensure that licensees regularly gather information from community representatives to help inform the station’s programming decisions.” The Commission fails to adequately justify this proposal, and offers only a tenuous nexus between the proposal and the goal. Accordingly, Four Seasons Media urges the Commission to reject this proposal.

Four Seasons Media has continually welcomed and solicited input from community leaders to help Four Seasons Media ensure that their broadcasts represent responsive programming. This is not merely a matter of civic responsibility – it is also a competitive advantage that Four Seasons Media and others offer over competing media services.

⁴ *Id.*

⁵ *NPRM* at 14.

Broadcasters embrace localism as more than a condition of their license, but as a means to serve their community with programming tailored to local interests.

As President and operating officer of Four Seasons Media, William Corbeil is on the following boards in the community: Board Member of the Brattleboro Area Chamber of Commerce and Board Member of BDCC, (Brattleboro Development Credit Corporation). These groups recruit businesses to locate in Brattleboro and offer financing, relocating programs and show the benefits of business in Southern Vermont. This helps to produce more retail options for residents but also for tourists, aiding in the greater economic health of the area, while creating valuable employment opportunities. Mr. Corbeil serves on the local YMCA 25 Million dollar campaign board to create facilities for Brattleboro youth, the elderly and local social programs that have insufficient funding for a facility of their own.

Four Seasons Media encourages their employees to become involved with at least one community organization. These organizations include the following: Humane Society, Rotary, Dana Farber Jimmy Fund chapter for Children with Cancer, Building a Better Brattleboro, Youth Services, Windham Housing Authority, Vermont Green up Committee, Windham Child Care Association, and United Way just to name a few. Four Seasons Media encourages all of these entities to hold meetings and use the licensee's radio stations as a resource to promote their causes and objectives. By being evolved in this way a unique network is established giving the licensee valuable feedback as to what they do at the radio stations and involves the community in a way that makes them take ownership of the radio stations' work in the community.

Four Seasons Media is proud of their efforts to focus on issues of importance to local communities. Nevertheless, Four Seasons Media opposes the Commission's inflexible proposal to mandate permanent advisory boards. The Commission risks resuscitating its now-discredited

ascertainment guidelines by, among other things, proposing to require licensees to convene permanent advisory boards. The Commission rightly rejected the ascertainment guidelines in 1981 and 1984, finding that market forces, the requirement to maintain issue-responsive programming and the petition-to-deny process, will ensure that broadcasters provide locally responsive programming. If any thing, these reasons apply more strongly today than in the 1980s due to the increased competition in the marketplace and the Commission's efforts in the Enhanced Disclosure proceeding to facilitate broader public scrutiny of broadcasters and compliance with localism obligations.⁶ The Commission should allow the market to function rather than ratcheting up still more regulatory costs that disproportionately affect local broadcasters in smaller markets.

The Commission's proposal for mandatory advisory boards is ill-advised. It is arguable whether such boards are any more effective in addressing community concerns than other informal outreach methods, such as listener surveys, comment boxes, email campaigns, ad hoc efforts, website appeals and other methods. Broadcasters should be afforded the flexibility to tailor their approach to local circumstances, and the Commission should not impose a one-size-fits-all approach to establishing the selection and composition of such boards. Such regulations would not reflect individualized circumstances in local markets and would intrude needlessly into broadcaster's wide ranging discretion in how it chooses to fulfill its public-interest obligations. Determinations of "representative cross-sections" are inherently subjective and ill-defined; Four Seasons Media doubts that the Commission can adopt a sustainable approach to board composition that is not needlessly over- or under-inclusive based on local market circumstances. Finally, Four Seasons Media notes that other Commission proposals are already

⁶ See *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, (adopted Nov. 27, 2007).

poised to promote additional community involvement, and the need to impose additional regulation here is minimal. In fact, broadcasters have myriad marketplace incentives to provide local service, and advisory boards will be adopted in local markets best suited to promote that goal. For these reasons, Four Seasons Media asks the Commission to continue to afford broadcasters the flexibility to gather information from community representatives via a variety of means. For this reason, the Commission should not mandate local advisory boards.

Resurrecting the restrictive pre-1987 main studio rule is unnecessary and unwise

The Commission has requested comment regarding whether “we should revert to our pre-1987 main studio rule in order to encourage broadcasters to produce locally originated programming.”⁷ Four Seasons Media urges the Commission to retain its existing main studio rules.

In 1987 and 1998, the Commission reasonably and wisely adopted rules permitting broadcasters to locate their main studio at any location within the station’s principal community contour or within 25 miles of the reference coordinates of the center of its community of license. At the time, the Commission recognized the wisdom of these provisions, noting that it would provide resource-constrained broadcasters with a means to recognize operational efficiencies in consolidating main-studio operations. In fact, broadcasters in smaller markets have been able to realize operational advantages.

The stated purpose of the main-studio rules was to facilitate community contact to the station “to voice suggestions or complaints,” yet there is no rational connection between this stated goal and constricting the main studio rule. Broadcaster’s contact information is available in numerous locations on the Internet, the FCC’s website and other sources. In fact, the

⁷ *NPRM* at 23.

Commission is requiring television broadcasters to make more information readily available to the public than ever before, as shown in the Enhanced Disclosure proceeding. Listeners both within -- and without -- a broadcaster's service area soon will be able to obtain any broadcaster contact information they need by simply visiting a station's website.

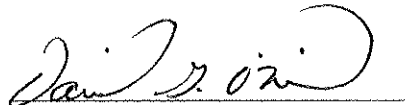
Conclusion

Four Seasons Media applauds the Commission's examination of broadcasters and localism, but is concerned that certain proposals -- described herein -- present "solutions" in search of a problem. The NPRM grossly understates the burden associated with certain of its proposals and fails to articulate sufficient benefits to justify the burden. The Commission seeks dramatic increases in local access, local service and local cost, but at risk of throwing out the baby with the bathwater. Four Seasons Media urges the Commission to take a measured, incremental approach to promoting localism.

Respectfully submitted,

Four Seasons Media, Inc.

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